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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	862.C1941	5114

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NEW YORK, NY 10112

EXAMINER
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SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/597,146

Applicant(s)

KADOMATSU, DAIKI

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

*Applicant has canceled claims 1-31 and added claims 32-40.*

*Claims 32-40 are pending.*

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-31 filed on 2/11/2005 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **32-40** rejected under 35 U.S.C. 102(e) as being anticipated by *Izumi* (USPN 6,288,800).

a. **Per claim 32**, *Izumi* teaches a color facsimile apparatus comprising:

- reading means for reading an image (col.4 lines 1-46);

Art Unit: 2141

- generating means for generating image data representing the image (col.4 lines 17-53);
- extracting means for extracting data from the image data in minimum processing units for JPEG compression processing (col.5 line 61-col.6 line 54 and col.7 lines 9-53; portions of data frame are extracted);
- embedding means for embedding transmission information for a header or footer in the unit of extracted data extracted by said extracting means when the unit of the extracted data is a unit of the extracted data in which the transmission information should be embedded (col.5 lines 5-11 and col.7 lines 61-67; a header is added to the image data);
- compressing means for executing JPEG compression processing for each unit of the extracted data including the unit of the extracted data in which the transmission information is embedded and for storing compressed data in a memory (col.4 lines 54-63 and col.7 lines 9-67; provision for JPEG compression of the data frames);
- forming means for forming a JPEG image data of one page based on the compressed data stored in the memory (col.8 lines 36-48; JPEG image is formed according to the compression); and
- transmitting means for transmitting the JPEG image data (col.7 lines 44-67 and col.8 lines 36-48).

b. **Claims 36 - 40** contain limitations that are substantially similar to claim 32 and are therefore rejected under the same basis.

c. **Per claim 33**, *Izumi* teaches the color facsimile apparatus according to claim 32, further comprising buffering means for successively storing the image data generated by said generating means in a buffer, and wherein said extracting means extracts data of a predetermined number of lines corresponding to the unit from the buffer (col.4 lines 17-63, col.7 lines 1-60 and col.9 line 60-col.10 line 64).

d. **Per claim 34**, *Izumi* teaches the color facsimile apparatus according to claim 32, further comprising determining means for determining whether the unit of the extracted data is a

unit of the extracted data in which the transmission information should be embedded, and wherein said embedding means embeds the transmission information in the unit of the extracted data according to determination of said determining means (col.5 lines 5-11, col.7 lines 61-67 and col.9 lines 26-33).

e. **Per claim 35**, *Izumi* teaches the color facsimile apparatus according to claim 32, wherein the transmission information indicates at least one of a date, a time, and a number of pages (It is inherently known for a facsimile machine to communicate information regarding transmission—information such as the date, time and number of pages, etc).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Killcommons et al* (USPN 6,424,996), *Gormish et al* (USPN 5,692,048), *Yokose et al* (USPN 5,699,170) and *Ett* (USPN 5,227,893).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie Shingles***  
***Examiner***  
***Art Unit 2141***

*kds*

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**